

REMARKS

Consideration of the amendments to the application is respectfully requested. The response is made pursuant to 37 C.F.R. 1.121. No new matter has been entered.

Status of Claims

Claims 1-10 and 12-21 are pending in this application.

Claims 1-10 and 12-21 stand rejected.

Claims 1-7, 9-10, 12, 14-17 and 20 have been amended.

Claims

**Rejection under 35 U.S.C. 102(e) as being anticipated by
Sakaguchi (US 6,310,627)**

Regarding the section titled "Claim Rejection – 35 USC 102" of the Office Action, the Examiner rejects Claims 1, 3, 7, 9, 10, 12, 13, 16, 17 and 19 as being anticipated by Sakaguchi (US 6,310,627).

Applicant's Invention

Applicant's invention is a system for providing mass- personalized and customized merchandize and purchase services on-line, through intelligent recommendations, guided selection and purchase processes, configuration, coordination, fitting, composed and animated presentation, demonstration, etc., based on individual customer input and artificial intelligence rules-databases and comparison algorithms.

Interactive, intelligent process and rule-driven enquiry-database, intelligent product databases, artificial intelligence rules, data comparison algorithm, graphics and video design,

composition, animation software, graphics and video input and output hardware and software, and/or video streaming are used to (1) guide consumers through needs and tastes definition process, (2) make recommendations, (3) narrow selections, (4) determine the fit, (5) configure and optimize various options of subsystems into a complete system, (6) layout, compose and/or animate, and (7) display the fitted system of multiple items with the recommended and/or selected settings.

The claims have been amended to positively claim applicant's invention in the present tense and eliminated ambiguities related to "intended use language," described in the Advisory Action on the Continuation Sheet.

Amended Claim 1 reads as follows:

*1. (CURRENTLY AMENDED) An electronic system for purchasing merchandise online using a computer having a display device, comprising:
means for selecting and purchasing merchandise, by a user, online; and
an interactive wizard guide, selectively and optionally deployed by a user,
for making online merchandise recommendations and computer-assisted
selections tailorized to said user, said interactive wizard guide comprising:
means for prompting a user to specify preferences regarding at least one
type of merchandise of interest to a said user, said prompting means includes
means for prompting the user to answer a plurality of questions,
means for receiving the preferences and answers to the plurality of
questions to create a user profile,
means for searching in and retrieving data from at least one database
using predetermined intelligence rules together with said user profile to
determine said recommendations and said selections of said merchandise and
accessories to said merchandise,
means, in response to said retrieving means, for displaying on said display
device, said recommendations and said selections of said merchandise and said
accessories, and
means for overriding said interactive wizard guide. (Emphasis added)*

Sakaguchi **does not** teach the above emphasized claim language. Applicant observes that neither

the word “recommend” nor any derivation is found in the specification of Sakaguchi. Sakaguchi described a plurality of embodiments related to the creation of a virtual image of a user or model to try on a garment or pattern.

EXAMINER REMARKS

With regard to the Examiner’s previous remarks in the Final Office Action (FOA), the Examiner states, on page 9, lines 7-14, that:

“the system uses predetermined intelligence rules” – (col 15, line 52 – col 16 line 67) in this excerpt Sakaguchi teaches processing information inputted by the user with information in a database to provide a processed image based on the request. Microsoft Computer dictionary defines intelligent database as “A database that manipulates stored information in a way that people find logical, natural, and easy to use. An intelligent database conducts searches relying not only on traditional data-finding routines but also on predetermined rules governing associations, relationships, and even inferences regarding the data.

Applicant agrees with the Examiner’s statement that “Sakaguchi teaches processing information inputted by the user with information in a database to provide a processed image based on the request.” In contrast to Sakaguchi, Applicant uses predetermined intelligence rules together with said preferences to make recommendations of merchandise and accessories. Sakaguchi, on the other hands, simulates or creates a virtual image of the client to see how a garment or pattern looks on their body.

The Examiner also previously stated, on page 9, line15 through page 10, line 2, of the FOA that:

“recommending merchandise and accessories to the user” – (col 8, lines 1-67) discussion is made to the use of Sakaguchi to provide catalogues to users with their personal image used as the model. It is inherent in the teaching of Sakaguchi that merchandise and accessories is recommended because catalogs have historically been used to recommend merchandise and accessories and using Sakaguchi to present the user wearing the merchandise and accessories allows

the user to see themselves as they would appear wearing the merchandise and accessories in the catalogue.”

Applicant acknowledges that Sakaguchi discloses a private catalogue production system in combination with a virtual try-on system. In one embodiment of Sakaguchi, an electronic camera is used to capture the image of the user (column 17, line 62-65). A desired garment is selected on the screen of the display device 12 by the user (column 17, lines 65-67). The system creates an image of the user wearing the selected garment (column 18, lines 1-2).

In another embodiment of Sakaguchi, the virtual try-on system is installed in a clothing retailer. The client virtually tries on a garment by using the virtual try-on system upon purchasing the garment. (See column 18, lines 15-23).

In yet another embodiment of Sakaguchi, a private catalogue production system is described as being similar to the virtual try-on system wherein the system produces a catalogue by generating trying-on images in which a client is wearing a plurality of garments and collecting these try-on images.

Accordingly the catalogue production system and virtual try-on system requires the user to select the garment. Hence, the garment (merchandise or accessories) is not recommended based on “*predetermined intelligence rules together with said preferences,*” as claimed.

Additionally, Sakaguchi **does not** teach “*an interactive wizard guide, selectively and optionally deployed by a user, for making online merchandise recommendations and computer-assisted selections tailored to said user,*” as claimed.

In view of the foregoing remarks, Amended Claim 1 is allowable over Sakaguchi and the corresponding rejection under 35 USC 102(e) should be withdrawn. Since Claims 2-10, 12-21

depend from independent Claim 1, then for the same reasons set forth above with regard to Claim 1, these dependent claims are also allowable over Sakaguchi and the corresponding rejections under 35 USC 102(e) and 103(a) should be withdrawn.

**Rejection under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi
in view of Fano (6,317,718) in view of Hashimoto (5,729,699) and
further in view of Official Action**

Regarding the section titled "Claim Rejection – 35 USC 103" of the FOA, the Examiner rejects Claims 2, 4-6, 8, 14, 15, 18 and 21 as being unpatentable over Sakaguchi (US 6,310,627) in view of Fano (6,317,718) in view of Hashimoto (5,729,699) and further in view of Official Action. Applicant traverses the Examiner rejection for at least the comments set forth above in relation to Claim 1.

Applicant further observes that Claims 2, 4-6, 8, 14, 15 and 18 are not rejected using Hashimoto.

Fano like Sakaguchi requires the user to select merchandise. Once the merchandise is selected by the user, the device of Fano retrieves information about the merchandise. Contrary to Fano, Sakaguchi or a combination thereof, Applicant's invention "*uses predetermined intelligence rules together with said preferences input by the user to search merchandise databases and select and recommend merchandise and accessories to the user.*" Applicant further observes that the system of Fano is very different from Sakaguchi except for the selection of merchandise. Fano is not directed to a system of displaying a virtual image and catalogue creation system disclosed by Sakaguchi. Thus, there is absolutely no motivation to combine the teaching of Sakaguchi with the teachings of Fano.

Nevertheless, Fano **does not** teach “*an interactive wizard guide, selectively and optionally deployed by a user, for making online merchandise recommendations and computer-assisted selections tailorized to said user,*” as claimed.

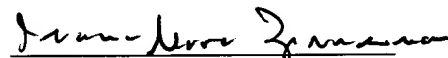
Applicant observes the Examiner acknowledges that many of the claimed features are not present in Sakaguchi, Fano or the combination of Sakaguchi and Fano and instead, makes them obvious. Here, it appears that the Examiner is using Applicant’s own disclosure to reject Applicant’s claims with Applicant’s disclosed features. Such practice is not supported by case law.

Likewise, the remaining claims are rejected by the Examiner based on Applicant’s own disclosure and are not supported by the prior art references.

CONCLUSION

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact their undersigned attorney at (908) 654-8000 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,

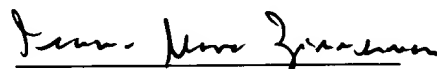


Jean-Marc Zimmerman, Esq.
Reg. No. 36,978
226 St. Paul Street
Westfield, New Jersey 07090
(908) 654-8000

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Westfield, New Jersey

CERTIFICATE OF MAILING

I hereby certify that on June 3, 2004, I caused the Amendment for U.S. Patent Application Serial No. 09/619,255 to be mailed by first class mail to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Jean-Marc Zimmerman